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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:	
	Chapter 11
DOWLING COLLEGE f/d/b/a DOWLING INSTITUTE f/d/b/a DOWLING COLLEGE ALUMNI ASSOCIATION f/d/b/a CECOM a/k/a DOWLING COLLEGE, INC.	Case No. 16-75545 (REG)
Post-Confirmation Debtor.	

SILVERMANACAMPORA LLP'S
RESPONSE TO COURT'S *SUA SPONTE* MOTION TO
RECONSIDER FEES AWARDED TO SILVERMANACAMPORA LLP

SilvermanAcampora LLP ("**SA LLP**"), hereby submits his response to the *Order Scheduling Hearing on Court's Sua Sponte Motion to Reconsider Fees Awarded to SilvermanAcampora LLP* (ECF Doc. No. 719) (the "**OSC**"), and respectfully sets forth and represents as follows:

1. Pursuant to Federal Rule of Civil Procedure (the "**Federal Rules**") 60(b), made applicable to bankruptcy proceedings through Federal Rule of Bankruptcy Procedure 9024, a court is permitted to grant a party relief from a judgment or order for the following reasons:

> (1) mistake, inadvertence, surprise, or excusable neglect;
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> (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);
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> (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;
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> (4) the judgment is void;
>
> (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

FED. RULE CIV. PRO. 60(B).

2. Courts have generally found that the exercise of Rule 60(b) should be limited only to when necessary to "correct a clear error or prevent manifest injustice." *Montalvo v. United States*, 2013 U.S. Dist. LEXIS 82082, at *3 (S.D.N.Y. June 11, 2013) (quoting *Banco de Seguros Del Esato v. Mutual Marine Offices, Inc.*, 230 F. Supp. 2d 427, 428 (S.D.N.Y. 2002)). "Since 60(b) allows extraordinary judicial relief, it is invoked only upon a showing of exceptional circumstances." *Nemaizer v. Baker*, 793 F.2d 58, 61-62 (2d Cir. 1986).

3. Here, SA LLP's final application for payment of professional fees and reimbursement of expenses (ECF Doc. No. 678) (the "**Fee Application**") set forth in detail the matters on which SA LLP rendered services to the Official Committee of Unsecured Creditors and the estate.

4. The Fee Application was originally noticed for hearing on February 25, 2019, and was adjourned along with the final application of compensation of all other estate professionals to April 1, 2019 at the request of the Court. At the Hearing on the Fee Application on April 1, 2019, the Court adjourned the Fee Application to June 3, 2019 to consider the matter further. At no time did any party in interest file an objection to the Fee Application.

5. On June 10, 2019, the Court entered an order granting the Fee Application (ECF Doc. No. 717) (the "**Fee Order**").

6. The OSC does not describe, and SA LLP is not aware of, any newly discovered facts, mistakes, or other reasons which may justify reconsideration of the Fee Order pursuant to Rule 60(b). However, SA LLP welcomes the opportunity to address any concerns the Court may have with respect to the Fee Application, the Fee Order, or other matters in this chapter 11 case.

WHEREFORE, SA LLP respectfully requests that the Court enter an order (i) declining to reconsider the Fee Order, and (ii) granting SA LLP such further relief as this Court may deem just and proper.

Dated: Jericho, New York
July 8, 2019

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